

original
copy opps

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JUN 21 2022

Derek Dwan Ye Smith

(Enter the full name of the plaintiff.)

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY ALS, DEPUTY

CIV 22 512 C

v.

Case No. _____
(Court Clerk will insert case number)

(1) OKLA County Detention Center

(2) _____,

(3) _____.

(Enter the full name of each defendant. Attach
additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$402 (including a \$350 filing fee and a \$52 administrative fee). The complaint will not be considered filed until the Clerk receives the \$402 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$402 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$52 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. **Jurisdiction is asserted pursuant to:**

42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

③
II. State whether you are a:

Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Pretrial detainee
 Immigration detainee
 Civilly committed detainee
 Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit: *None*

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: *None*

c. Approximate date of filing: _____

d. Issues raised: _____

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): *None*

f. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Derek Duvalle Smith
Address: 201 N. Sharpe Ave OKC OK 73102
Inmate No.: 140018308

2. Defendant No. 1 OKlahoma County Detention Center

Name and official position: Detention Center

Place of employment and/or residence: County Detention
Center 201 N. Sharpe / OKC OK 73102

How is this person sued? () official capacity, () individual capacity, () both

3. Defendant No. 2

Name and official position: _____

Place of employment and/or residence: _____

How is this person sued? () official capacity, () individual capacity, () both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

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V. Cause of Action

Instructions

1. *Provide a short and plain statement of each claim.*
 - Describe the facts that are the basis for your claim.
 - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
 - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
 - Describe the constitutional or statutory rights you believe the defendant(s) violated.
 - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
 - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures before filing your lawsuit.*
 - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. § 1997e(a).
 - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
 - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. *Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.*

- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. Claim 1: Eight Amendment Violation

(1) List the right that you believe was violated:

(Bed Bug in MY Food TRAY ON 5/24/22) Several Complaints Did Not Fix Problem,
Bitten by bed Bugs in cell and on day Room Pod! Several Complaints see Attachment

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

OKlahoma County Detention Center
Medical Floor 13th medical Pod 131D1B

Reason For This Attachment is To Explain More Claims.

1. Claims 1:

Bitten in my Right Ear Drum
Have Problem hearing From it now did not Recive
any Medicine for Pain After ComPlaint!
The Bites That Are On my Body Parts Arms
Back Legs Etc. Medical Charge \$15.00
Dollars For Medicine They Can't KeeP in Stock
To Treat bed Bugs Bites.

These bugs NOT only Live in The Building it
SeLF But are in The Mattresses They Poss
Out For You To sleep ON! Also bugs Are
IN Your ChanegOut Clothes When You
Recive Them Clean On ChangeOut DAY!
Have ComPlained Several Times Verbally
To Fix Problem.

MY Biggest Fear IS That IF i Keep getting
Bite BY Bugs They Could Turn To OPEN
Wounds. I Have Diabetes See Medical
Records. Eight Amendment Violation

Medical Records Will be Mailed or FAX BX
Facility..

Attachment Sheet

Claims

(① Bed Bug Found in my Food TRAY) 5/24/22

(② Bitten On Arms Back Legs and Other body Parts ComPlaint to Medical STAFF Verbally until ISSued Cream and ABenedryl on Record.

(③ my Cell is INFested With Bed bugs IN WALLS IN The Metal Bunks I Sleep on and The Mattress givein To me At Bookin .

④ Clean Changeout Clothes Given To Me also carry Bed Bugs and nothing has Been done To Fix The Problem .

⑤ Showers Are Also A Place Where These Bugs Lives in This Building There is NO Place for Your Shower Things But ON THE FLOOR OR ON TOP OF a TRASH CAN , Where Bugs go unSeen .

⑥ This Detention Center Does Has ExterminATORS But It Does NOT Fix The Problem in order To Fix it People HAVE To Be Removed From This Facility.

(See Back) →

⑦ This Facility "Oklahoma County Detention Center" HAS Failed INSPECTION inside the Building.

- ① Chow Hall CONTAMINATED Food
- ② Cells INFESTATION Bed Bugs
- ③ NO Medicine To Treat Bed Bugs Bites
- ④ UNDERSTAFF BY 100 People
- ⑤ INMATES Being Monitored BY Camera On 13th Floor
- ⑥ Food Being Handle BY INMATES NOT IN Chow hall.
- ⑦ Food TRAYS Sat ON The Pod Floor.
- ⑧ Building ONLY Gets UP Grade during INSPECTION

⑨ Health Administration HAVE INSPECTED this Building and I am For Certain + Hat The Findings Are To Condemn This Building.

① (Request to STAFF) INFORMATION Complaints
These Are The Request Complaints numbers

| | |
|---------------------|---------|
| Request # 176363792 | 4/30/22 |
| Request # 176368002 | 5/11/22 |
| Request # 18107872 | 5/28/22 |
| Request # 183748962 | |
| Request # 180323862 | 5/24/22 |

Request #176363792



Profile Photo:

Inmate Info

Name: DEREK SMITH (1967-12-23)
 Booking Number: 140018308
 Submitted Date: 05/01/22 01:35
 Submitted from Location/Room: 13 D-08-MEDICAL/13D
 Current Location/Room: 13 D-18-MEDICAL/13D
 Facility: Oklahoma County, OK

Audit Photo:
Audit Photo

Form Info

Category: Request To Staff
 Form: Request to Staff 13

Request Info

Status: CLOSED by cherika grayson
 Facility Deadline: 05/15/22 23:59

Summary of Request:

My food was being contaminated

Details of Request:

Pod and cell location?:

Enter help text...
 13D\cell8

What is your booking number?:

140018308

Have you previously submitted a request on the same issue?:

[No]

If Yes, what was the request or grievance # and date?:

Provide information

Provide information

Problem/Issue:

What is your request or complaint?

Have told staff several times bed bugs are in my food tray food tray on the floor April, 30 dinner

Action Requested:

State how your request should be handled?

Make sure there's no contamination coming from chow hall and that officers no not to put trays on the floor in front of cells

| DATE/TIME | USER | ACTION | DETAILS |
|----------------|-----------------|----------------|---------------------------------------|
| 05/02/22 00:10 | cherika grayson | Staff Response | The unit manager has been notified. |
| 05/02/22 08:19 | cherika grayson | Changed Status | From 'Open' to 'Closed' |
| 05/01/22 01:35 | DEREK SMITH | Submitted New | <u>My food was being contaminated</u> |

The second time I Found a Beg bug in my Food TRAY I Filed Emergency grievNLY To mr william MONDAY Administrative Review Authority 5-24-22 LUNCH TRAY hour 10,11 AM Made Complaint to OFFicer Rodriduez who went and got me Sat MY Food ON The Floor again. Did NOT Recive ANY GrievNcy iNformation.

Request #184126042

| | |
|--|---|
| Profile Photo: | Inmate Info |
|  | Name: DEREK SMITH (1967-12-23) Booking Number: 140018308 Submitted Date: 06/14/22 13:53 Submitted from Location/Room: 13 D-18-MEDICAL/13D Current Location/Room: 13 D-18-MEDICAL/13D Facility: Oklahoma County, OK |
| Audit Photo: | Audit Photo |
| | Form Info |
| | Category: Request To Staff Form: Request to Staff 13 |
| | Request Info |
| | Status: OPEN Facility Deadline: 06/28/22 23:59 (14d) |
| Summary of Request: | |
| <u>I'm requesting printout copies of request complaints</u> | |
| Details of Request: | |
| Pod and cell location?: <i>Enter help text...</i> 13\1D18 | |
| What is your booking number?: 140018308 | |
| Have you previously submitted a request on the same issue?: <u>[Yes]</u> | |
| If Yes, what was the request or grievance # and date?: <i>Provide information</i> Request#176363792 4- 30-22 request #180323862 5-24-22 request #176368002 5-11-22 request #18107872 5-28-22 PLEASE SEND COPYS | |
| Problem/Issue: <i>What is your request or complaint?</i> <u>Needs Printouts copies please!</u> | |
| Action Requested: <i>State how your request should be handled?</i> <u>Please help in this matter</u> | |

| DATE/TIME | USER | ACTION | DETAILS |
|----------------|-------------|---------------|---|
| 06/14/22 13:53 | DEREK SMITH | Submitted New | <u>I'm requesting printout copies of request complaints</u> |

HAVE Sent request To STAFF Documented here ASKING For A COPIES OF MY Complaint to Show Proof I have Followed All Chains OF grievance request PRINTOUTS. Have Dates and Request Numbers Here!

(3) List the supporting facts:

ADMINISTRATIVE REVIEW AUTHORITIES HAVE FAILED TO PROVIDE THE MINIMAL CIVILIZED MEASURE OF LIFE'S NECESSITIES IN THIS FACILITY. BUILDING CONDEMNED INFESTATION.

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

2 MILLION DOLLARS TO BUILD A FACILITY FOR HOMELESS PEOPLE AND TO FEED THEM.

2. Claim II:

(1) List the right that you believe was violated:

(EIGHT AMENDMENT)

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

OKLAHOMA COUNTY DETENTION CENTER.

(3) List the supporting facts:

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Derek Smith
Plaintiff's signature

6-10-22
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 10th day of June, 2022.

Derek Smith
Plaintiff's signature

6-10-22
Date